

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF NOVEMBER 3, 2006

(Published November 11, 2006, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
November 3, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Schiff, Lilligren, Colvin Roy, Glidden, Remington, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, President Johnson.

Absent - Benson.

Lilligren moved to amend the agenda to add a Motion appointing Council President Johnson and Council Member Colvin Roy to represent the City Council on the Committee on the Future of Libraries in Hennepin County. Seconded.

Adopted upon a voice vote.

Absent - Benson.

Lilligren moved adoption of the agenda, as amended. Seconded.

Adopted upon a voice vote 11/3/2006.

Absent - Benson.

Lilligren moved acceptance of the minutes of the regular meeting of October 20, 2006 and the Recessed Session of October 20, 2006. Seconded.

Adopted upon a voice vote 11/3/2006.

Absent - Benson.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 11/3/2006.

Absent - Benson.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271587)

Kandiyohi Development Partners, LLC (re Midtown Eco Energy Center, LLC, 2850-20th Ave S): Issuance of EZ Tax-Exempt Revenue Bonds for renewable biomass energy system of a combined heat & electrical power generation facility.

Land Sale (1708 & 1710 - 8th Ave N).

Spirit of the Lakes Limited Equity Cooperative Senior Housing Project (1238 E Lake St & 2930 - 13th Ave S): Authorize continued analysis of redevelopment proposal of Powderhorn Residents Group.

Van Cleve Court Housing Project (917-13th Ave SE): Authorize continued analysis of redevelopment proposal of Project for Pride in Living, Inc.

Northeast Community Development Corp (re Beltrami MnDOT site at Buchanan St between Winter & Spring Sts NE): Approval of one-year extension of exclusive development rights.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

GRANTS AND SPECIAL PROJECTS (271588)

Housing Opportunities for Persons with AIDS Grant Funds: Release of 2004 & 2005 subrecipient contract obligations.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (271589)

NRP 2007 Administrative Budget.

INTERGOVERNMENTAL RELATIONS:

GRANTS AND SPECIAL PROJECTS (271590)

Third Quarter 2006 Report.

INTERGOVERNMENTAL RELATIONS (271591)

2007 State Legislative Agenda: Public Safety Issues; Municipal Governance Issues; Overview of Mpls Pension Funds.

PUBLIC SAFETY AND REGULATORY SERVICES:

POLICE DEPARTMENT (271592)

Police Staffing and Allocation of Patrol Officers: Report.

Mediation Compliance: Report on Recruitment/Hiring Efforts; and Semi-Annual Report to Committee.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (271593)

Palm Court Restaurant and Bar (2424 Central Av NE): Grant On-Sale Liquor Class C-2 with Sunday Sales License, subject to conditions.

Loring Pasta Bar (325 14th Av SE): Grant On-Sale Liquor Class B with Sunday Sales License, subject to conditions.

Adelitas Mexican (2405 Central Av NE): Grant On-Sale Wine Class C-2 with Strong Beer License, subject to conditions.

Licenses: Applications.

REGULATORY SERVICES (271594)

2006 Inspections Division Special Assessment Levies: Approve maximum levy amounts for rubbish; weeds; hazardous trees; brush and plant growth; inoperable vehicle tow administrative fees; unpaid administrative citations; building demolition; vacant/boarded housing registrations; reinspection fees; securing of buildings (police board up); securing abandoned buildings; Authorize Regulatory Services to continue receiving pre-payments until November 30, 2006 as allowable by law; and Direct the Director of Hennepin County Taxation Department to place assessments against certain properties to defray the cost of work performed under authorization of Regulatory Services to correct the nuisance or hazardous conditions.

REGULATORY SERVICES (271595)

Rental Dwelling License at 5123 Columbus Av: Approve reinstatement of license to be held by Alejandro Trujillo Corona and Nancy Brezina.

STATE OF MINNESOTA, OFFICE OF ADMIN HEARINGS (271596)

4-You Food Market (2326 Lyndale Av N): Adopt Administrative Law Judge's Findings of Fact, Conclusions and Recommendation that City Council may take adverse action against licenses and Receive Official Record (minus tape recordings); Revoke Grocery, Food Manufacturing and Tobacco

Dealer Licenses held by 4-You Food Market; and Deny request by licensee for a stay of revocation decision, pending an appeal; and Exceptions filed by licensee.

STATE OF MINNESOTA, COURT OF APPEALS (271597)

Uncle Bill's Market (2428 Plymouth Av N): Order relating to motion for a stay of revocation action, pending appeal, and requesting that additional proceedings on remand to PS&RS Committee.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

REGULATORY SERVICES (271598)

Housing Contracts: Increase contracts with Trades Unlimited for rubbish removal; Castrejon for boarding buildings; Castrejon for boarded buildings that are vacant and open; and Over the Top for weed removal on the North side.

Water Shut Offs: Ordinance amending Title 12, Chapter 244 of Code charging an administrative fee to the utility services bill for water shut offs sent to Housing Inspections for investigation and enforcement.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (271599)

Bloomington-Lake Special Service District: Staff to return to Committee to set a date for another public hearing.

Chicago-Lake Special Service District: Staff to return to Committee to set a date for another public hearing.

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 3rd Quarter, 2006 (See Petn No 271565).

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (271600)

Special Service Districts: Resolution approving special services, budget cost estimates, service charges, and direct work to proceed for Uptown (Hennepin-Lake), Dinkytown, Central Av, Stadium Village, S Hennepin Av, 48th St E & Chicago Av S, 43rd St W & Upton Av S (Linden Hills), and Hennepin Theatre District Special Service Districts.

Traffic Signal Control System Maintenance: Approve agreement with Fortran Traffic Systems Limited for traffic signal control system maintenance through December 31, 2009.

Critical Parking Area: Ordinance amending Title 18, Chapter 48 of Code relating to Traffic Code adding the 4500 block of 35th Av S (both sides) to Critical Parking Area #27.

University of Minnesota Roadway Changes: a) Approve layout for roadway changes; and b) Resolution of concurrence with Hennepin County revoking County State Aid Highway designation for segments of Huron Boulevard and 4th St SE.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (271601)

Nicollet Mall Improvement, Maintenance, and Operation Assessments: Adopt and levy assessments.

Transportation Action Plan Study (Access Minneapolis): Increase contract with Iteris, Inc. (DBA Meyer, Mohaddes Associates) by \$93,000 for additional traffic analysis and public outreach.

Bid: Accept OP 6663, low responsive bid of Ziegler Power Systems for generators and paralleling switchgear for Water Department.

WAYS AND MEANS BUDGET:

ASSESSOR (271603)

City Assessor's 5-Year Business Plan: Receive and File.

ATTORNEY (271604)

City Attorney's 5-Year Business Plan: Receive and File.

FINANCE DEPARTMENT (271602)

2005 Comprehensive Annual Financial (CAFR) Report: Receive and File.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (271605)

Legal Settlements: a) Joseph Omar White v. the City of Minneapolis, et al.; b) Ray E. Tewalt and Cynthia Roy v. City of Minneapolis, et al.; and c) Joseph H. Welp v. City of Minneapolis.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (271606)

Minneapolis Convention Center (MCC) Event Security Services Contract: Execution of a contract with Per Mar Security Services to provide crowd management event staffing services at the MCC for an initial one year period, effective January 1, 2007, at an estimated annual cost of \$900,000.

COORDINATOR (271607)

New Central Library Project: Amendment #4 increasing construction management contract with Mortenson/Thor.

FINANCE DEPARTMENT (271608)

Accountant II Position: Approve hire of Ethel Pavlin at Step 4 for Accountant II position in the Finance Department.

HEALTH AND FAMILY SUPPORT SERVICES (271609)

Home Visiting Services for Pregnant and Parenting Teenagers: Authorize amendment to the contract with Hennepin County to accept estimated revenue of \$300,000 for the Alliance Home Visiting Project; extend the termination date through December 31, 2007; and Approve appropriation.

School Based Clinic (SBC) Services: Execution of a contract with Pat Neska & Associates to provide billing, data management, and consulting services for a three school year time period of November 13, 2006 through August 31, 2009.

School Based Clinic Program: Authorize hire of Lisa Dornick at Step 7 as a Nurse Practitioner for the School Based Clinic Program.

HUMAN RESOURCES (271610)

Minneapolis Public Works Engineers Association: Execute 1 year collective bargaining labor agreement effective January 1, 2006.

REGULATORY SERVICES (271611)

US Department of Housing and Urban Development (HUD) Grant: Authorize staff to apply for HUD grant funds in the amount of \$4,000,000 to reduce lead hazards in dwelling units before children become lead poisoned.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (271612)

Rezoning:

KMOJ (Center for Communication and Development, 4149 Lyndale Ave N).

Plan:

Industrial Land Use Study & Employment Policy Plan.

FILED:

PUBLIC WORKS AND ENGINEERING (271612.1)

Washington Ave S, 1501-05, Ltr relating to request of Capital Partners to vacate alley easement petition #271586 on 10/20/06. Private Alley within Lots 6 and 7. Block 150 of the Town of Minneapolis Addition. Alley was established by the then property owners in 1885.

The following reports were signed by Mayor Rybak on November 8, 2006, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds on behalf of Kandiyohi Development Partners, LLC for the Midtown Eco Energy Center LLC Project at 2850 - 20th Ave S, a proposed development of the City's former South Transfer Station site into a renewable biomass energy system of a combined heat and electrical power generation facility, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$78 million in EZ Tax-exempt Revenue Bonds for said project.

Adopted 11/3/2006.

Declining to vote - Goodman.

Absent - Benson.

Resolution 2006R-543, giving preliminary approval to the proposed issuance of revenue bonds under Minnesota Statutes, Sections 469.152-469.1651, as amended, for the purpose of financing the construction of a biomass combined heat and power cogeneration facility and related or ancillary assets for the benefit of Midtown Eco Energy LLC at 2850 - 20th Ave S, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-543

By Goodman

Giving preliminary approval to the proposed issuance of revenue bonds under Minnesota Statutes, Sections 469.152-469.1651, as amended, for the purpose of financing the construction of a biomass combined heat and power cogeneration facility and related or ancillary assets for the benefit of Midtown Eco Energy LLC.

Whereas, the City of Minneapolis, Minnesota (the "City"), is authorized by the provisions of Minnesota Statutes, Sections 469.152-469.1651, as amended (the "Act"), to carry out the public purposes described therein and contemplated thereby by issuing its revenue bonds or other obligations to finance, in whole or in part, the costs of the acquisition, construction, improvement, betterment, and extension of "projects" and of related public improvements; and

Whereas, the term "project" is defined in Section 469.153, subdivision 2(a), in relevant part to include "any properties, real or personal, used or useful in connection with a revenue producing enterprise, or any combination of two or more such enterprises engaged or to be engaged in generating, transmitting, or distributing electricity . . . any properties, real or personal, used or useful in the abatement or control of noise, air, or water pollution, or in the disposal of solid wastes . . . [and] any properties, real or personal, used or useful in connection with a district heating system, consisting of the use of one or more energy conversion facilities to produce hot water or steam for distribution to homes and businesses, including cogeneration facilities, distribution lines, service facilities, and retrofit facilities for modifying the user's heating or water system to use the heat energy converted from the steam or hot water"; and

Whereas, as defined in Section 469.153, subdivision 2(f) of the Act, the term "project" also means "the activities of any revenue producing enterprise involving the construction, fabrication, sale, or leasing of equipment or products to be used in gathering, processing, generating, transmitting, or distributing solar, wind, geothermal, biomass, agricultural or forestry energy crops, or other alternative energy sources for use by any person or any residential, commercial, industrial, or governmental entity in

heating, cooling, or otherwise providing energy for a facility owned or operated by that person or entity"; and

Whereas, Midtown Eco Energy LLC, a Minnesota limited liability company (the "Borrower"), has submitted an application to the City requesting the issuance of one or more series of revenue bonds pursuant to the Act, in a principal amount not to exceed \$78,000,000 (the "Bonds"); and

Whereas, the Borrower has proposed that the City loan the proceeds derived from the sale of the Bonds to the Borrower pursuant to the terms of a Loan Agreement between the City and the Borrower (the "Loan Agreement") to finance: (i) the acquisition, construction, reconstruction, improvement, betterment, or extension of a biomass combined heat and power cogeneration facility and related or ancillary assets that are expected to produce 22.5 net megawatts of electric power and have the ability to provide district heat for up to three million commercial square feet (the "Project"); (ii) the funding of one or more reserve funds to secure timely payment of the Bonds; (iii) the payment of a portion of the interest on the Bonds until the completion of construction and for a reasonable time thereafter, and (iv) the payment of the costs of issuing the Bonds and related costs; and

Whereas, pursuant to Section 469.154, subdivision 4, of the Act, prior to submitting an application to the Minnesota Department of Employment and Economic Development ("DEED") for approval of the Project, the City must conduct a public hearing on the proposal to undertake and finance the Project; and

Whereas, a notice of public hearing must be published at least once not less than fourteen (14) days, nor more than thirty (30) days, prior to the date fixed for the public hearing in the official newspaper of the City and in a newspaper of general circulation in the City and such notice must state the time and place of the public hearing, the general nature of the Project, the owner of the Project, and an estimate of the principal amount of the Bonds to be issued to finance the Project; and

Whereas, such notice must state that a draft copy of the proposed application to DEED, together with all attachments and exhibits, will be available for public inspection following the publication of the notice and must specify the place and times where and when it will be so available; and

Whereas, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and Treasury Regulations promulgated thereunder ("Treasury Regulations" or "Regulations"), require that prior to the issuance of the Bonds, the City Council (or other "applicable elected representative") of the City must approve the Bonds after conducting a public hearing thereon preceded by publication of a notice of public hearing (in the form required by Section 147(f) of the Code and applicable Treasury Regulations) in a newspaper of general circulation in the City at least fourteen (14) days prior to the public hearing date; and

Whereas, pursuant to the Act and the Code, a notice of public hearing in the form required by the Act and Section 147(f) of the Code was published in *Finance & Commerce*, the official newspaper of the City on October 7, 2006, and in the *Star Tribune*, a newspaper of general circulation in the City also on October 7, 2006; and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City, held a public hearing on October 24, 2006, on the proposed issuance of the Bonds and such public hearing was conducted no less than fifteen (15) days following the publication of the notice of public hearing; and

Whereas, the Bonds are to be issued as revenue bonds and shall not constitute a general or moral obligation of the City, the Bonds shall not constitute a debt of the City within the meaning of any state constitutional provision or statutory limitation, the Bonds shall not constitute or give rise to a charge against the general credit or taxing powers of the City, the Bonds shall not constitute or give rise to a pecuniary liability of the City, and the Bonds shall be payable solely out of the funds and properties expressly pledged as security therefor;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. The City Council of the City hereby grants preliminary approval to the issuance of the Bonds for the purposes referenced in this resolution in an aggregate principal amount not to exceed approximately \$78,000,000, subject to the approval of the Project by DEED, as required by the Act, and subject to the mutual agreement of the City, the Borrower, and the initial purchaser(s) of the Bonds as to the details of the Bonds and provisions for their payment. But in all events, it is understood that the Bonds shall not constitute a general or moral obligation of the City or a pecuniary liability or charge,

lien or encumbrance, legal or equitable, upon any funds, assets, taxing powers, or any other property of the City, except the City's interest in the Loan Agreement; and the Bonds, when, as, and if issued, shall recite in substance that the Bonds, including interest thereon, are payable solely from the revenues received from the Loan Agreement and other property expressly pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal of the Bonds, or the interest thereon or to enforce payment thereof against any property of the City.

2. It is hereby found and determined that the Project furthers the purposes set forth in the Act and the Project constitutes a "project" within the meaning of Section 469.153, subdivision 2(a) and (f) of the Act.

3. In accordance with Section 469.154 of the Act, the City shall cooperate with the Borrower in submitting the proposal for the financing of the Project to DEED, including the execution of necessary documentation by City officials.

4. In accordance with Section 469.154, subdivision 7, of the Act, the officers, employees, and agents of the City are hereby authorized and directed to encourage the Borrower to provide employment opportunities to economically disadvantaged or unemployed individuals. Such individuals may be identified by such mechanisms as are available to the City, such as a first source agreement in which the Borrower agrees to use a designated State employment office as a first source for employment recruitment, referral, and placement.

5. The Borrower shall pay to the City any and all costs incurred by the City in connection with the Bonds or the financing of the Project, whether or not the financing of the Project is approved by DEED, whether or not the financing is carried to completion, and whether or not the Bonds or operative instruments are executed and delivered. The Borrower shall also comply with the City's deposit and fee policies respecting such revenue bond issues.

6. All commitments of the City expressed herein are subject to the condition that by November 1, 2007, the City and the Borrower and the initial purchaser of the Bonds shall have agreed to mutually acceptable terms and conditions of the Loan Agreement, the Bonds, and of the other instruments and proceedings relating to the Bonds and their issuance and sale. If the events set forth herein do not take place prior to the date set forth above, or any extension thereof, and the Bonds are not sold within such time, this resolution will expire and be of no further effect.

7. The adoption of this resolution does not constitute a guaranty or firm commitment that the City will issue the Bonds as requested by the Borrower. The City retains the right in its sole discretion to withdraw from participation and accordingly not to issue the Bonds, or to issue the Bonds in an amount less than the amount referred to herein, should the City at any time prior to issuance thereof determine not to issue the Bonds, or to issue the Bonds in an amount less than the amount referred to in paragraph 1 hereof, or should the parties to the transaction be unable to reach agreement as to the terms and conditions of any of the documents required for the transaction.

8. The staff of the City is hereby authorized, in cooperation with bond counsel, to take all steps necessary and desirable to proceed to finance the Project through the issuance of the Bonds.

9. (a) The United States Department of the Treasury has promulgated final Treasury Regulations governing the use of the proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City or a borrower from the City for project expenditures paid prior to the date of issuance of such bonds. Those regulations, Treasury Regulations, Section 1.150-2, require that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds occur within eighteen (18) months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

(b) The City reasonably expects to reimburse the Borrower for the expenditures made for costs of the Project from the proceeds of the Bonds in an estimated maximum aggregate principal amount of \$78,000,000 after the date of payment of all or a portion of the costs of the Project. All reimbursed

expenditures shall be capital expenditures, a cost of issuance of the Bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations and also qualifying expenditures under the Act.

(c) Based on representations by the Borrower, no expenditures for the Project have been made by the Borrower more than sixty (60) days before the date of adoption of this resolution other than: (i) expenditures to be paid or reimbursed from sources other than the Bonds; (ii) expenditures permitted to be reimbursed under prior regulations pursuant to the transitional provision contained in Section 1.1502(j)(2)(i)(B) of the Regulations; (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations; or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations).

(d) Based on representations by the Borrower, as of the date hereof, there are no funds of the Borrower reserved, allocated on a long term-basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project to be financed from proceeds of the Bonds, other than pursuant to the issuance of the Bonds. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the Borrower as they exist or are reasonably foreseeable on the date hereof.

Adopted 11/3/2006.

Declining to vote - Goodman.

Absent - Benson.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 1708 and 1710 - 8th Ave N to Lloyd D. Flowers and Sheila R. Flowers for \$22,000, subject to the following conditions:

- a) Land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Adopted 11/3/2006.

Absent - Benson.

Resolution 2006R-544, authorizing sale of land Near North Disposition Parcel No NN 124-15A & NN 124-15B at 1708 and 1710 - 8th Ave N, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-544

By Goodman

Authorizing sale of land Near North Disposition Parcel No NN 124-15A & NN 124-15B (1708 and 1710 - 8th Ave N).

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel NN 124-15A & NN 124-15B, in the Near North neighborhood, from Lloyd D. Flowers and Sheila R. Flowers, hereinafter known as the Redeveloper, the Parcel NN 124-15A & 124-15B, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of NN 124-15A & 124-15B; 1708 and 1710 8th Avenue North: Southwesterly 1/2, front and rear, of Lot 15, and the Easterly 11.25 feet, front and rear, of Lot 14, all in Block 10, Oak Park Addition to Minneapolis. Being registered land as is evidenced by Certificate of Title No. 1142784; and

Whereas, the Redeveloper has offered to pay the sum of \$22,000, for Parcel NN 124-15A & NN 124-15B to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on October 13, 2006, a public hearing on the proposed sale was duly held on October 24, 2006, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 3:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Near North plan, as amended, is hereby estimated to be the sum of \$22,000 for Parcel NN 124-15A & B.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land and further subject to the following conditions; 1) land sale closing must occur on or before 30 days from the date this Resolution is approved by the City and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 30 days from the date of approval.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the Department of Community Planning & Economic Development Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 11/3/2006.

Absent - Benson.

Comm Dev - Your Committee, having under consideration the Spirit of the Lakes Limited Equity Cooperative Senior Housing Project being proposed by Powderhorn Residents Group for redevelopment of the site at 1238 E Lake St and 2930 - 13th Ave S, now recommends that the proper City officers be authorized to:

- a) Continue analysis of the proposal;
- b) Negotiate terms and conditions of a redevelopment contract with Powderhorn Residents Group or an affiliated entity as the general partner; and
- c) Prepare a redevelopment plan and tax increment financing plan for the project, subject to final determination of project eligibility, required reviews, public input, notices and hearings.

Adopted 11/3/2006.

Absent - Benson.

Comm Dev - Your Committee, having under consideration the Van Cleve Court Project being proposed by Project for Pride In Living and Cabrini House for development of an income-integrated housing project at 917 - 13th Ave SE, now recommends that the proper City officers be authorized to:

- a) Continue analysis of the proposal;
- b) Negotiate terms and conditions of a redevelopment contract with Project for Pride In Living, Inc or an affiliated entity; and
- c) Prepare a redevelopment plan and tax increment financing plan for the project, subject to final determination of project eligibility, required reviews, public input, notices and hearings.

Adopted 11/3/2006.

Absent - Benson.

Comm Dev - Your Committee, having under consideration the development of the site along Buchanan St between Winter and Spring Sts NE, now recommends approval of a one-year extension of exclusive development rights to the Northeast Community Development Corporation for the Beltrami MnDOT site due to the discovery of contaminated soils and the need for further environmental investigation and remediation.

Adopted 11/3/2006.

Absent - Benson.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration the Neighborhood Revitalization Program (NRP) 2007 Administrative Budget, and the NRP Policy Board recommendations for:

- a) Approval of the 2007 Administrative Budget, as set forth in the NRP staff report;
- b) Passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation by \$1,778,889 in the NRP fund and request that CPED immediately transfer \$1,778,889 to the NRP's City of Minneapolis Fund 230; and
- c) Authorizing the proper City officers to enter into any contracts or agreements needed to implement said request; now recommends:

Comm Dev - Approval of recommendations "a-c."

W&M/Budget - That the 2007 NRP Administrative Budget be forwarded with recommendation for approval as part of the 2007 budget process.

Goodman moved to amend the report by approving the Ways & Means/Budget Committee recommendation and deleting the Community Development Committee recommendation. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 11/3/2006.

Absent - Benson.

Comm Dev & W&M/Budget - Your Committee recommends approval of the release of 2004 and 2005 Housing Opportunities for Persons with AIDS (HOPWA) Subrecipient contract obligations, cancellation of the encumbrance in FISCOL, and redistribution of unspent HOPWA grant funds in the amount of \$119,557.19 contracted to Minnesota Housing Finance Agency (MHFA) to a new Subrecipient, with the funding distribution to be determined by the City's Department of Grants & Special Projects, in the amounts authorized, as follows:

HOPWA Funds	Remaining from 2004	Remaining from 2005	Total Available to Re-obligate
Program Funds:	\$90,935.48	\$25,696.91	\$116,632.39
Administration Funds:	\$2,186.13	\$738.67	\$2,924.80
Total Available:	\$93,121.61	\$26,435.58	\$119,557.19

Adopted 11/3/2006.
Absent - Benson.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, having under consideration the application of Cafe Di Napoli Inc, dba Cafe Di Napoli, 601 Marquette Av - skyway level, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 11/3/2006.
Absent - Benson.

PS&RS - Your Committee, having under consideration the application of JLB LLC, dba The Loop, 606 Washington Av N, for an On-Sale Liquor Class B with Sunday Sales License (change in ownership) to expire October 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 11/3/2006.
Absent - Benson.

PS&RS - Your Committee, having under consideration the application of Loring Pasta Bar LLC, dba Loring Pasta Bar, 325 14th Av SE, for an On-Sale Liquor Class B with Sunday Sales License (upgrade from On-Sale Liquor Class C-1 with Sunday Sales) to expire July 1, 2007, now recommends that said license be granted, subject to the following conditions:

- a. any violation of the sidewalk cafe ordinance by the Loring Pasta Bar will result in the relinquishing of its sidewalk cafe license for a period of at least one year from the date of the violation.
- b. music from within the establishment will not emanate outside the establishment in violation of Section 360.55 or in a manner that results in more than two sustained complaints (as determined by the City of Minneapolis) due to the music being clearly audible across 14th Av SE above ambient noise levels.
- c. final inspection and compliance with all provisions of applicable codes and ordinances.

Hofstede moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 11/3/2006.
Absent - Benson.

PS&RS - Your Committee, having under consideration the application of Rubio LLC, dba Adelitas Mexican Restaurant, 2405 Central Av NE, for an On-Sale Wine Class C-2 with Strong Beer License (new business) to expire April 1, 2007, now recommends that said license be granted, subject to the following conditions:

- a. entertainment will not be presented after 1:30 a.m.
- b. music shall not emanate beyond the confines of the establishment.
- c. litter, including cigarette butts, will be regularly picked up around the premises, including at closing.
- d. music from within the establishment will not emanate outside the establishment such that it is audible across Central Av NE above ambient level.

e. the licensee will always retain total control of the premises, and will not lease out the premises.

f. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 11/3/2006.

Absent - Benson.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 11/3/2006.

Absent - Benson.

Resolution 2006R-545, granting applications for Liquor, Wine and Beer Licenses, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-545

By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Off-Sale Liquor, to expire October 1, 2007

Aramark Food Service Corporation, dba Aramark Food Service, 500 11th Av S

Dinkytown Wine & Spirits Inc, dba Dinkytown Wine & Spirits, 1412 5th St SE

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2007

Topshelf Club Inc, dba Club Spin/Club Cream, 10 S 5th St

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2007

City Center Hotel Ltd Partnership, dba Marriott City Center Mpls, 30 S 7th St

Aramark Food Service Corporation, dba Target Center, 600 1st Av N

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2007

Restaurant Entertainment Group Inc, dba Rosen's/The District, 430 1st Av N #101

Restaurant Entertainment Group Inc, dba Refuge, 430 1st Av N

Library IV Ltd LLP, dba Library Minneapolis (The), 1301 4th St SE

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE

Minneapolis Aerie #34 F O E, dba Minneapolis Aerie #34, F O E, 2507 E 25th St

On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2007

Loring Pasta Bar LLC, dba Loring Pasta Bar, 325 14th Av SE (new manager and expansion of premises)

On-Sale Liquor Class C-1 with Sunday Sales, to expire April 1, 2007

Smith & Hance Entertainment Inc, dba Nomad World Pub, 501 Cedar Av S

B B & D, Inc, dba Leaning Tower of Pizza, 2324 Lyndale Av S

On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2007

O'Donovan's Irish Pub LLC, dba O'Donovans Irish Pub, 700 1st Av N

Mirviss Israel, dba Sunny's, 2944 Chicago Av

On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2007

News Room Inc, dba News Room, 990 Nicollet Mall

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2007

Joe's Garage Inc, dba Joes Garage, 1610 Harmon Pl (license downgrade from Class A)

NE Palace Inc, dba NE Palace, 2500 4th St NE

Win-Vee Inc, dba Country Bar & Grill, 3006 Lyndale Av S

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2007

Ike's LLC, dba Ike's Food & Cocktails, 50 S 6th St
PFC Systems Inc, dba Burrito Loco, 418 13th Av SE
Loon Cafe Inc, dba Loon Cafe, 500 1st Av N
Masa LLC, dba Masa, 1070 Nicollet Mall
Sumick Inc, dba Lyle's Bar & Restaurant, 2021 Hennepin Av
Original Broadway Station Inc, dba Broadway Station, 2025 W River Rd
Tony Jaros' River Gardens Inc, dba Tony Jaros' River Gardens, 2500 Marshall St NE
TMMS Inc, dba C C Club, 2600 Lyndale Av S
Brutus Enterprises Inc, dba Popeyes Saloon, 3601 E Lake St

On-Sale Wine Class A with Strong Beer, to expire April 1, 2007

New York Latin Restaurant LLC, dba New York Latin Restaurant, 1304 E Lake St (new business)

On-Sale Wine Class C-1 with Strong Beer, to expire April 1, 2007

Kramarczuk Sausage Co Inc, dba Kramarczuk Sausage, 215 E Hennepin Av

On-Sale Wine Class D with Strong Beer, to expire April 1, 2007

Dos Laredos Inc, dba Angels Restaurant, 805 E 38th St (internal transfer of shares)

On-Sale Wine Class E with Strong Beer, to expire April 1, 2007

Matador Coffee Inc, dba Bad Waitress Breakfast Joint, 2 E 26th St
KPL Inc, dba Soba's, 2558 Lyndale Av S

Off-Sale Beer, to expire April 1, 2007

Diamond Lake 1994 LLC, dba Cub Foods - Broadway, 701 W Broadway

On-Sale Beer Class E, to expire April 1, 2007

Village Wok Restaurant Inc, dba Village Wok Restaurant, 610 Washington Av SE
Shuang Cheng Inc, dba Shuang Cheng Restaurant, 1320 4th St SE.

Adopted 11/3/2006.

Absent - Benson.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 11/3/2006.

Absent - Benson.

Resolution 2006R-546, granting applications for Business Licenses, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-546

By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of November 3, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 271593):

Amusement Devices; Place of Amusement Class B-1; Place of Amusement Class B-2; Check Cashing; Dry Cleaning & Laundry Pickup Station; Fire Extinguisher Servicing Class A; Fire Extinguisher Servicing Class B; Confectionery; Farm - Produce Permits; Grocery; Food Manufacturer; Meat Market; Short-Term Food Permit; Sidewalk Cafe; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Towing Class B; Towing Class C; Commercial Parking Lot Class A; Commercial Parking Lot Class B;

Pet Shop; Pet Shop - Mobile; Precious Metal Dealer; Secondhand Goods Class B; Antique Dealer Class B; Exhibition Operator Class B; Exhibition Operator Class C; Suntanning Facility; Taxicab Limited; Theater Zone I; Theater Zone II; Theater Zone III.

Adopted 11/3/2006.

Absent - Benson.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 11/3/2006.

Absent - Benson.

Resolution 2006R-547, granting applications for Gambling Licenses, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-547
By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Lawful Exempt

Childrens Cancer Research Fund, dba Childrens Cancer Research, 7801 E Bush Lk Rd (Raffle November 4, 2006 at Historic Milwaukee Depot)

NSHMBA, 1303 Walnut Hill, Irving, TX (Raffle November 11, 2006 at University of St. Thomas)

Clare Housing, dba Clare Housing, 929 Central Av NE (Bingo and Raffle November 18, 2006 at Incarnation Church)

Church of St. Hedwig, dba Church of St. Hedwig, 129 29th Av NE (Raffle December 3, 2006 at 129 29th Av NE)

Bestprep, 7100 Northland Circle, Brooklyn Park (Raffle January 27, 2007 at McNamara Alumni Center, University of Minnesota)

Northside Art Collective, dba Northside Arts Collective, 2400 Plymouth Av N (Raffle November 9, 2006 at 2027 W Broadway - Northside Arts Collective Headquarters)

Sundays Energy Inc, 2637 27th Av S (Raffle December 31, 2006 at 2637 27th Av S).

Adopted 11/3/2006.

Absent - Benson.

PS&RS - Your Committee recommends passage of the accompanying resolution approving Licensing Settlement Conference recommendations relating to the On-Sale Liquor License held by Palm Court Restaurant and Bar, 2424 Central Av NE.

Adopted 11/3/2006.

Absent - Benson.

Resolution 2006R-548, approving Licensing Settlement Conference recommendations relating to the On-Sale Liquor License held by Palm Court Restaurant and Bar, 2424 Central Av NE, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-548

By Samuels

Approving Licensing Settlement Conference recommendations relating to the On-Sale Liquor License held by Palm Court Restaurant and Bar, 2424 Central Av NE.

Whereas, the Licenses & Consumer Services Division held a Licensing Settlement Conference Meeting on September 8, 2006 with the licensee to discuss violations of law relating to the operation of a licensed beverage establishment; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee violated the Minneapolis Code of Ordinances and City policy by its employees providing alcohol on two separate occasions to persons under the age of 21; that the licensee operated its business outside of the approved license class on more than one occasion; that the licensee operated its business in an unlicensed and unapproved space; and that the licensee operated its business in violation of its capacity, exceeding the approved capacity by over 60 percent;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the On-Sale Liquor License issued to Palm Court shall be subject to adverse license action, up to and including revocation, with the commencement of such adverse license action stayed through and including July 29, 2007, subject to full compliance with the following conditions, as more fully set forth in said Findings on file in the Office of the City Clerk which are hereby made a part of this report by reference:

1. It is strongly suggested that Palm Court require all customers who purchase alcohol to produce identification as listed in Minnesota Statute Section 340A.503, subdivision 6. Palm Court has full knowledge of the consequences regarding any future incidents involving the sale of alcohol to minors and understands that such incidents could lead to a revocation of its On-Sale Liquor License. Palm Court agrees to take any necessary steps to assure that persons under the age of 21 are properly identified when alcohol purchases are made, including but not limited to purchase and utilization of an electronic identification card reading device.

2. A financial penalty of \$3,000 will be levied against Palm Court, of which \$500 will be imposed and must be received by the City on October 25, 2006. The imposition of the remaining \$2,500 will be stayed through July 29, 2007, provided that no further violations of State of Minnesota Alcohol Statutes or City of Minneapolis Alcohol Ordinances occur. A criminal conviction for any violation against any Palm Court employee for a violation of an above listed alcohol statute or ordinance, or any finding against Palm Court for a citation issued for a violation of an above listed alcohol statute or ordinance, shall constitute proof of a violation.

3. The On-Sale Liquor License of Palm Court is suspended for a period of 30 days. Imposition of 30 days of suspension will be stayed through July 29, 2007, provided that no further violations of State of Minnesota Alcohol Statutes or City of Minneapolis Alcohol Ordinances occur. A criminal conviction for any violation against any Palm Court employee for a violation of an above listed alcohol statute or ordinance, or any finding against Palm Court for a citation issued for a violation of an above listed alcohol statute or ordinance, shall constitute proof of a violation. In lieu of imposition of the above suspension, Palm Court agrees to voluntarily close its establishment by 11:00 p.m. every night. This provision shall remain in effect until October 29, 2006. After October 29, 2006, Palm Court will no longer be required to close at 11:00 p.m.

4. Should the licensee violate any provision of this Agreement while it is in effect, it shall be subject to additional adverse license action, including but not limited to the imposition of the stayed license suspension period, the stayed financial penalty, as well as the potential commencement of license revocation proceedings.

5. Palm Court will immediately pay the outstanding \$700 owed as a result of the citations issued for the July 29, 2006 license violations, which must be received by the City on October 25, 2006.

6. Based on observations and conduct at the business, the City of Minneapolis will not support a license class at Palm Court that allows for amplified music and dancing throughout the duration of this agreement. The City agrees to review any proposed licensing class increases when this agreement expires on July 29, 2007.

7. All Palm Court employees, managers and owners involved in the daily operations of the business will attend professionally presented alcohol server training, which shall occur on a yearly basis. All employees, managers or owners hired or brought into the business after this initial training must attend a training class within 30 days of hire or approval as business owner.

8. A properly trained manager or owner must be on site during business hours at all times.

9. This Agreement does not alter or preclude any previously imposed license conditions that may exist.

10. The licensee is aware that it will be subject to additional compliance checks during the term of this Agreement. As is the policy of the City of Minneapolis, the decoys will at all times respond truthfully to any questions asked of them by employees or sales clerks of the licensee, and, if asked, will present their actual duly issued age identification.

11. This Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of this Agreement, or for subsequent violations or subsequently discovered violations of any federal, state or local laws, ordinances or regulations.

12. This Agreement shall remain in effect through and including July 29, 2007. It is understood between the parties that this Agreement shall bind only the present licensee and will not bind any subsequent, unrelated person or persons should the business be sold and a new license approved.

Adopted 11/3/2006.

Absent - Benson.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Palm Court Restaurant Music Lounge, 2424 Central Av NE, for an On-Sale Liquor Class C-2 with Sunday Sales License, subject to conditions.

Adopted 11/3/2006.

Absent - Benson.

Resolution 2006R-549, granting the application of Palm Court Restaurant Music Lounge, 2424 Central Av NE, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-549

By Samuels

Granting the application of Palm Court Restaurant Music Lounge, 2424 Central Av NE, for an On-Sale Liquor Class C-2 with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Palm Court Restaurant & Bar Inc, dba Palm Court Restaurant Music Lounge, 2424 Central Av NE, for an On-Sale Liquor Class C-2 with Sunday Sales License (new ownership and upgrade from Class E with Sunday Sales) to expire October 1, 2007, subject to the following conditions:

1. Hours of operation will be 11:00 a.m. to 10:00 p.m. Monday through Thursday; 10:00 a.m. to 2:00 a.m. Friday and Saturday; and 1:00 p.m. to 9:00 p.m. on Sunday.

2. Entertainment will not be presented after 1:30 a.m.

3. Music shall not emanate beyond the confines of the establishment.

4. A security plan effective upon the granting of the license will be on file at the establishment and presented to the City of Minneapolis upon request. The plan will include provisions that cover the following areas:

a. Business owners and security will monitor the internal activities of the business and will monitor the external premises of the building, which includes the front entryway and area of the building as well as the rear area of the building.

b. Business and owners security staff will work with the Second Precinct to ensure specific and broad public safety in the establishment and along the immediate corridor of Central and Lowry Avenues, in proximity to the business, in particular the front sidewalk. Attention will be given to prevent problematic gathering of individuals in front of the business. Establishment staff will disperse and move people along, especially around closing time.

c. Business owners will hire professionally trained and certified security staff and have the authority to direct the conduct of the security staff.

5. Litter, which includes cigarette butts, will be regularly picked up around the premises, including at closing.

6. Music from within the establishment will not emanate outside the establishment such that it is audible across Central Av NE above ambient level.

7. The owners will always retain total control of the premise. They will not lease out the premises.

8. Patron smoking shall occur on the Central Av side of the business and not in the rear. No patron shall be allowed outside with alcohol and food. Staff and security will ensure smoking patrons do not create a disturbance.

9. The Findings of Fact, Conclusions and Recommendations arising from the License Settlement Conference involving Palm Court Restaurant and Bar on September 8, 2006 shall apply to this license.

Adopted 11/3/2006.

Absent - Benson.

PS&RS - Your Committee, having under consideration the Grocery and Tobacco Dealer Licenses held by Uncle Bill's Market, Inc, dba Uncle Bill's Market, 2428 Plymouth Av N, and having received an Order from the State Court of Appeals remanding to the Public Safety & Regulatory Services Committee the licensee's request for a stay of license revocation pending its appeal to the Court and requesting either further findings on the balance of harms or consideration of conditions to protect the public interest, in the event that enforcement of the license revocation decision is stayed by the Court, now recommends that a stay of the license revocation be granted, pending appeal, subject to the following operating conditions:

1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Grocery store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.

2. The business will have a minimum of two staff employees working from 3:00 p.m. until the close of business each day to ensure monitoring of the exterior and to reduce negative behaviors.

3. The business agrees not to sell single cigars, or single cigarettes.

4. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, small zip lock bags, also known as jewelry bags, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.

5. The business agrees to keep all exterior and interior lights illuminated and functioning properly.

6. All windows will be free of signs and other items that block the view in and out, as is specified in Section 543.350 of the Minneapolis Code of Ordinances.

7. The owner shall comply with the Surveillance Camera Ordinance.

8. The owner agrees not to install temporary advertising banners or signs on the exterior of the premises, including the fences, walls, or other fixtures of the property.

9. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.

10. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.

11. The business will have maximum operating hours of 7:00 a.m. to 8:00 p.m. each day of the week.

12. The business will stock a variety of common staple food items such as milk, bread, canned and frozen vegetables, soups, fruit juice, and cereals. Food items shall be removed from stock when the printed shelf life date has expired.

13. The business will not place a public pay telephone on the exterior or interior of the store.

Adopted 11/3/2006.

Absent - Benson.

PS&RS - Your Committee, having under consideration the Grocery, Food Manufacturing and Tobacco Dealer Licenses held by Amina, Inc, dba 4-You Food Market, 2326 Lyndale Av N, and an Administrative Hearing having been held before Administrative Law Judge Barbara L. Neilson who has issued Findings of Fact, Conclusions of Law and a Recommendation that the City Council take adverse action against the licenses held by 4-You Food Market, now recommends the following:

a. adoption of the Findings of Fact and Report of Administrative Law Judge Neilson.

b. that all licenses held by 4-You Food Market be revoked, in accordance with the Findings of Fact, Conclusions and Recommendation of the Public Safety & Regulatory Services Committee, on file in the Office of the City Clerk which are hereby made a part of this report by reference.

c. that the licensee's request for a stay of the Committee's revocation recommendation, in the event of an appeal, be denied.

Adopted 11/3/2006.

Absent - Benson.

PS&RS - Your Committee, having under consideration the Rental Dwelling License for the property located at 5123 Columbus Av, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Alejandro Trujillo Corona and Nancy Brezina.

Adopted 11/3/2006.

Absent - Benson.

PS&RS - Your Committee recommends that the following levies be approved and that the Director of the Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray costs of work performed under authorization of the Inspections Division to correct nuisance or hazardous conditions on these properties (Petn No 271594):

Levy 1080 - Removal of Offensive Matter (rubbish), payable in one year - \$360,260.55

Levy 1081 - Removal of Offensive Matter (weeds), payable in one year - \$136,831.32

Levy 1084 - Removal of Offensive Matter (hazardous trees), payable in five years - \$35,576.80

Levy 1085 - Removal of Offensive Matter (brush and plant growth), payable in one year - \$33,790

Levy 1086 - Inoperable Vehicle Tow Administrative Fees, payable in one year - \$12,600

Levy 1089 - Unpaid Administrative Citations, payable in one year - \$422,200

Levy 1095 - Building Demolition, payable in one year - \$260,881.62

Levy 1096 - Vacant/Boarded Housing Registrations, payable in one year - \$71,200

Levy 1097 - Reinspection Fees, payable in one year - \$19,200

Levy 1098 - Securing of Buildings (Police Board Up), payable in one year - \$190,621

Levy 1099 - Securing Abandoned Buildings, payable in one year - \$174,739.

Your Committee further recommends that the Department of Regulatory Services be authorized to continue receiving pre-payments until November 30, 2006, as allowable by law, at which point the final levy list will be sent to the Director of the Hennepin County Property Taxation Department.

Your Committee further recommends passage of the accompanying Resolutions, all in accordance with Chapter 227 of the Minneapolis Code of Ordinances, directing the Director of the Hennepin County Taxation Department to:

a. place assessments against certain properties to defray the cost of abating nuisance conditions (Levies 1080, 1081, 1084, 1085 and 1086).

b. place assessments against certain properties to defray the cost of unpaid administrative citations and civil fines in accordance with Chapter 2 of the Minneapolis Code of Ordinances (Levy 1089).

c. place assessments against certain properties to defray the cost for building demolition properties (Levy 1095).

d. place assessments against certain properties to defray the cost for registering vacant properties (Levy 1096).

e. place assessments against certain properties to defray the cost relating to reinspection fees in accordance with Chapter 244 of the Minneapolis Code of Ordinances (Levy 1097).

f. place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action (Levy 1098).

g. place assessments against certain properties to defray the cost of securing abandoned buildings (Levy 1099).

Adopted 11/3/2006.

Absent - Benson.

(Republished 12/2/2006)

Resolution 2006R-550, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-550

By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances.

Whereas, the Director of Inspections is authorized under Chapter 227 of the Minneapolis Code of Ordinances to abate nuisances relating to offensive matter on private premises including rubbish, long grass and weeds, brush and plant growth and dead trees; and

Whereas, the City Charter of the City of Minneapolis provides that costs incurred in the removal of nuisance conditions shall be levied and collected as a special assessment against the properties;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred in the removal of offensive matter are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Numbers 1080 (Rubbish Removal), 1081 (Weed Removal), 1084 (Offensive Tree Removal), 1085 (Shrub, Brush Removal), and 1086 (Inoperable Vehicle Tow Administrative Fees) be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray the costs of work performed under authorization of the Inspections Division to abate nuisances on private properties.

Be It Further Resolved that Levy Numbers 1080, 1081, 1085, and 1086 be payable in a single installment with interest thereon at eight percent (8%) and that Levy Number 1084 be paid in five (5) equal annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn No 271594 on file at the office of the City Clerk.

Adopted 11/3/2006.

Absent - Benson.

Resolution 2006R-551, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-551
By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1089 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 271594 on file at the Office of the City Clerk.

Adopted 11/3/2006.

Absent - Benson.

Resolution 2006R-552, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for Building Demolition properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-552
By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for Building Demolition properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 249.80 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 249 provides that the cost of building demolition property as defined by Chapter 249.80 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for Building Demolition properties are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1095 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 271594 on file at the Office of the City Clerk.

Adopted 11/3/2006.

Absent - Benson.

Resolution 2006R-553, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for registering vacant properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-553

By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for registering vacant properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 249.80 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 249 provides that the cost of registering a vacant property as defined by Chapter 249.80 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for registering vacant properties are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1096 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 271594 on file at the Office of the City Clerk.

Adopted 11/3/2006.

Absent - Benson.

Resolution 2006R-554, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost relating to Re-inspection Fees in accordance with Chapter 244 Section 190 of the Minneapolis Code of Ordinances, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-554

By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost relating to Re-inspection Fees in accordance with Chapter 244 Section 190 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 244.190 that determine Re-inspection Fees and were authorized by the Director of Inspections to have the fees levied against the property in cases where property owners failed to pay the required fee; and

Whereas, Chapter 244.190 provides that the cost of Re-inspections to gain compliance with housing maintenance orders as defined by Chapter 244.190 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances and Chapter 429.101 sub. Sec.(9) of Minn. State Statutes when the property owner fails to meet the requirement for fee payment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for Re-inspection Fees are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1097 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 271594 on file at the Office of the City Clerk.

Adopted 11/3/2006.

Absent - Benson.

Resolution 2006R-555, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action in accordance with Chapter 171 of the Minneapolis Code of Ordinances, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-555

By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action in accordance with Chapter 171 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis is empowered to secure uninhabitable or unoccupied buildings in accordance with Minnesota Statutes Section 463.251; and

Whereas, the Chief of Police did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes, Section 463.21;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs of securing unoccupied or uninhabitable buildings open to trespass under the authority of the Chief of Police are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1098 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 271594 on file at the Office of the City Clerk.

Adopted 11/3/2006.

Absent - Benson.

Resolution 2006R-556, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings in accordance with Chapter 227 of the Minneapolis Code of Ordinances, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-556

By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings in accordance with Chapter 227 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis is empowered to secure vacant buildings in accordance with Minnesota Statutes Section 463.251; and

Whereas, the Director of Inspections did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes, Section 463.21;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs of securing abandoned buildings under the authority of the Director of Inspections are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1099 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 271594 on file at the Office of the City Clerk.

Adopted 11/3/2006.

Absent - Benson.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to increase the following contracts due to increased inspection efforts:

- a. Contract #C-21987 with Trades Unlimited, for an estimated amount of \$510,000, for rubbish removal;
 - b. Contract #C-21483 with Castrejon, for an estimated amount of \$75,000, for boarding buildings;
 - c. Contract #C-21868 with Castrejon, for an estimated amount of \$95,000, for boarded buildings that are vacant and open (initiated by the Police Department);
 - d. Contract #C-23288 with Over the Top, for an estimated amount of \$150,000 for 2006 and \$300,000 for 2007, for weed removal on the Northside.
- Adopted 11/3/2006.
Absent - Benson.
Approved by Mayor Rybak 11/6/2006.
(Published 11/7/2006)

PS&RS & W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, adding provisions to charge an administrative fee to the utility services bill for water shut offs sent to Housing Inspections for investigation and enforcement, now recommends that said ordinance be given its second reading for amendment and passage.

Schiff moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 11/3/2006.
Absent - Benson.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Uptown, Dinkytown, Central Av, Stadium Village, S Hennepin Av, 48th St E and Chicago Av S, 43rd St W and Upton Av S (Linden Hills) and the Hennepin Theatre District Special Service Districts, and having held a public hearing thereon, now recommends passage of the accompanying resolution approving special services, the cost estimates, service charges, and the lists of service charges for 2007 in the above-mentioned Special Service Districts and directing the City Engineer to proceed with the work.

Adopted 11/3/2006.
Absent - Benson, Hofstede.

Resolution 2006R-557, approving special services, the cost estimates, service charges and the lists of service charges for 2007 in the Uptown, Dinkytown, Central Av, Stadium Village, S Hennepin Av, 48th St E and Chicago Av S, 43rd St W and Upton Av S and the Hennepin Theatre District Special Service Districts and directing the City Engineer to proceed with the work, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-557
By Colvin Roy

Approving special services, the cost estimates, service charges and the lists of service charges for 2007 in the Uptown, Dinkytown, Central Av, Stadium Village, S Hennepin Av, 48th St E and Chicago Av S, 43rd St W and Upton Av S and the Hennepin Theatre District Special Service Districts and directing the City Engineer to proceed with the work.

Whereas, public hearings were held on October 24, 2006 in accordance with Laws of Minnesota, 1985, Chapter 302, Laws of Minnesota, 1993, Chapter 375, Article 5, Sections 35 through 38, Laws of Minnesota, 1995, Chapter 264, Article 3, Section 28, Laws of Minnesota, 1996, Chapter 471, Article 8, Section 44, and Chapters 438, 444, 446, 450, 452, 454, 457 and 458 of the Minneapolis Code of

Ordinances to consider the proposed special services, the proposed service charges, and the proposed lists of service charges, as more particularly described in Petn No 271600 on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special services, the proposed cost estimate in the total amount of \$142,000 for 2007 and the proposed service charges and the proposed list of service charges for 2007 in the total amount of \$202,727 (amount remaining after adjusting the cost estimate of \$142,000 for previous years' unexpended balances and additional costs as provided for in Section 438.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Uptown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$60,000 for 2007 and the proposed service charges and the proposed list of service charges for 2007 in the total amount of \$100,876 (amount remaining after adjusting the cost estimate of \$60,000 for previous years' unexpended balances and additional costs as provided for in Section 444.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Dinkytown Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$80,000 for 2007 and the proposed service charges and the proposed list of service charges for 2007 in the total amount of \$83,436 (amount remaining after adjusting the cost estimate of \$80,000 for previous years' unexpended balances and additional costs as provided for in Section 446.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Central Av Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$70,000 for 2007 and the proposed service charges and the proposed list of service charges for 2007 in the total amount of \$87,320 (amount remaining after adjusting the cost estimate of \$70,000 for previous years' unexpended balances and additional costs as provided for in Section 450.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Stadium Village Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$84,820 for 2007 and that the proposed service charges and the proposed list of service charges for 2007 in the total amount of \$45,081 (amount remaining after adjusting the cost estimate of \$84,820 for previous years' unexpended balances and additional costs as provided for in Section 454.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the S Hennepin Av Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$12,400 for 2007 and that the proposed service charges and the proposed list of service charges for 2007 in the total amount of \$8,991 (amount remaining after adjusting the cost estimate of \$12,400 for previous years' unexpended balances and additional costs as provided for in Section 457.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the 48th St E and Chicago Av S Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$26,000 for 2007 and that the proposed service charges and the proposed list of service charges for 2007 in the total amount of \$26,000 (being a newly implemented special service district with services revenues beginning in 2006 as provided for in Section 452.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the 43rd St W and Upton Av S Special Service District.

Be It Further Resolved that the proposed special services, the proposed cost estimate in the total amount of \$18,000 for 2007 and that the proposed service charges and the proposed list of service charges for 2007 in the total amount of \$18,000 (being a newly implemented special service district with services revenues beginning in 2006 as provided for in Section 458.70 of the Minneapolis Code of Ordinances) as prepared by the City Engineer and on file in the office of the City Clerk be and hereby are approved for the Hennepin Theatre District Special Service District.

Be It Further Resolved that the service charges be collected in one (1) installment on the 2007 real estate tax statements in the same manner as special assessments without interest charges and that the City Clerk is hereby directed to transmit certified copies of said lists of service charges to the Hennepin County Auditor.

Be It Further Resolved that the City Engineer is hereby directed to proceed with the work.

Adopted 11/3/2006.

Absent - Benson, Hofstede.

T&PW - Your Committee recommends that the proper City officers be authorized to execute an agreement with Fortran Traffic Systems Limited, in the amount of \$206,470, for the maintenance of the T2000C traffic signal control system for the period July 1, 2006 through December 31, 2009. Funds are available within the current department budget.

Adopted 11/3/2006.

Absent - Benson, Hofstede.

T&PW - Your Committee, having under consideration a petition from residents of the 4500 block of 35th Av S to be included in the established "Type B" Critical Parking Area #27, as set forth in Petn. No. 271600, and having verified that said petition represents more than 75 percent of the residents of the affected properties, and having determined that the findings are met and meet the requirements for a Critical Parking Area, now recommends passage of the accompanying ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, by adding the 4500 block of 35th Av S (both sides) to Critical Parking Area #27, "No Parking Except by Permit Monday-Friday from 10 am to Noon and 7 pm to 9 pm."

Adopted 11/3/2006.

Absent - Benson, Hofstede.

ORDINANCE 2006-Or-130

By Colvin Roy

1st & 2nd Readings: 11/3/2006

Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 478.730 of the above-entitled ordinance be amended by adding to Critical Parking Area #27 the following Loading Zone:

No. 3560 - Both sides of 35th Avenue South between 45th and 46th Streets East (Critical Parking Area #27) No Parking Monday-Friday Except by Permit from 10 am to Noon and 7 pm to 9 pm.

Adopted 11/3/2006.

Absent - Benson, Hofstede.

T&PW - Your Committee, having under consideration the proposed Gopher Football Stadium at the University of Minnesota, now recommends:

a) Approval of the University of Minnesota layout for changes to City and County roadways Huron Boulevard, Oak Street SE, 4th Street SE, University Avenue SE, and Washington Avenue SE, due to the proposed football stadium; and

b) Passage of the accompanying resolution concurring with Hennepin County in the revocation and designation of County State Aid Highway (CSAH) 37 and the revocation of Municipal State Aid (MSA) 195 designation of Oak Street SE from University Av SE to 4th St SE, subject to the approval of the Commissioner of Transportation of the State of Minnesota.

Adopted 11/3/2006.

Absent - Benson, Hofstede.

Approved by Mayor Rybak 11/6/2006.

(Published 11/7/2006)

Resolution 2006R-558, concurring with Hennepin County in the revocation and designation of County State Aid Highway (CSAH) 37 and the revocation of Municipal State Aid (MSA) 195 designation of Oak Street SE from University Av SE to 4th St SE, subject to the approval of the Commissioner of Transportation of the State of Minnesota, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-558
By Colvin Roy

Concurring with Hennepin County in the revocation and designation of County State Aid Highway (CSAH) 37 and the revocation of Municipal State Aid (MSA) 195 designation of Oak Street SE from University Av SE to 4th St SE, subject to the approval of the Commissioner of Transportation of the State of Minnesota.

Whereas, County State Aid Highway No. 37 (CSAH 37) lies within the corporate limits of the City of Minneapolis; and

Whereas, the County of Hennepin and the City of Minneapolis have agreed on the revocation of CSAH 37 between University Avenue SE and Oak Street SE; and

Whereas, the County of Hennepin and the City of Minneapolis have agreed on the designation of CSAH 37 on Oak Street SE between University Avenue and 4th Street SE; and

Whereas, that portion of Oak Street SE between University Avenue and 4th Street SE is currently designated as Municipal State Aid Street 195; and

Whereas, the County has agreed to revoke the County State Aid Highway No 37 designation as follows:

Beginning at the intersection of CSAH 37 (Huron Boulevard) and CSAH 36 (University Avenue) in the City of Minneapolis, thence northwesterly along existing CSAH 37 (Huron Boulevard and 4th Street SE) a distance of approximately 0.19 miles to its intersection with Oak Street SE, and there terminating; and

Whereas, the County has agreed to designate as County State Aid Highway No 37 the road described as follows:

Beginning at the intersection of Oak Street SE and CSAH 36 (University Avenue) in the City of Minneapolis, thence northerly along Oak Street SE to its intersection with 4th Street SE a distance of approximately 0.09 miles, and there terminating;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the road described as "beginning at the intersection of Oak Street SE and University Avenue (CSAH 36) in the City of Minneapolis, thence northerly along Oak Street SE to its intersection with 4th Street SE and there terminating" be and hereby is revoked as a Municipal State Aid street (Route 195), subject to the approval of the Commissioner of Transportation of the State of Minnesota.

Be It Further Resolved that, with the revocation and designation by the County of the above-described County State Aid Highway No 37, said revocation and designation are in all things approved.

Adopted 11/3/2006.

Absent - Benson, Hofstede.

Approved by Mayor Rybak 11/6/2006.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Nicollet Mall improvement, maintenance, and operation assessments for payable 2007, and having held a public hearing thereon, now recommends that the proposed assessments in the amount of \$1,122,817.23 be adopted and levied, that the assessment roll filed by the City Engineer with the City Clerk (Petr. No. 271601) be adopted, and that the City Clerk be directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 11/3/2006.

Absent - Benson, Hofstede.

T&PW & W&M/Budget - Your Committee, having under consideration the Transportation Action Plan Study (Access Minneapolis), now recommends that the proper City officers be authorized to execute Amendment No. 2 to Contract C-21804 with Iteris, Inc. (DBA Meyer, Mohaddes Associates), increasing the contract by \$93,000, for a revised contract total of \$943,000, to allow for additional traffic analysis and public outreach in order to improve the study results. No additional appropriation required.

Adopted 11/3/2006.

Absent - Benson, Hofstede.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low responsive bid submitted to the Public Works Department on OP No. 6663 from Ziegler Power Systems, in the amount of \$2,569,689, to furnish and deliver generators and paralleling switchgear to the Public Works Water Department, per specifications.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petr. No. 271601)

Adopted 11/3/2006.

Absent - Benson, Hofstede.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 11/3/2006.

Absent - Benson.

Resolution 2006R-559, authorizing settlement of the legal claims of Joseph Omar White, Roy E. Tewalt and Cynthia Roy, and Joseph H. Welp v. City of Minneapolis, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-559

By Ostrow

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of:

a) Joseph Omar White v. the City of Minneapolis, et al., by payment of \$7,500, payable to Joseph Omar White and his attorney, Albert Goins; and authorize execution of any documents necessary to effectuate said settlement.

b) Roy E. Tewalt & Cynthia Roy v. City of Minneapolis, et al., by authorizing execution of any documents necessary to effectuate said settlement.

c) Joseph H. Welp v. City of Minneapolis, by confirming legal nonconforming use rights to the property at 421 6th Street S.E. at seven (7) dwelling units limited to 21 tenants over the age of one (1); issuing building permits for work previously completed at 421 6th Street S.E. without fees or penalties; making the Settlement Agreement part of land use records of the City; withdrawing the September 2, 2005, *Unlawful Occupancy Order* and any similar orders; approving the Settlement Agreement set forth in Petn. No.271605; and authorizing execution of any documents necessary to effectuate said settlement.

Adopted 11/3/2006.

Absent - Benson.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the construction management services Contract #C-17612, with Mortenson/Thor by increasing the contract by \$350,000 for extended services required due to an extensive elongation of the project because of materials delivery delays affecting construction sequencing and unanticipated code compliance and life safety testing requiring additional coordination and management services, all for a new contract total of \$6,871,088.

Adopted 11/3/2006.

Absent - Benson.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a contract with Per Mar Security Services to provide crowd management event staffing services at the Minneapolis Convention Center (MCC) at an estimated annual cost of \$900,000, for an initial one year period with three one-year renewal options. Funding payable from Convention Center Fund and Agency 0760-MCC.

Adopted 11/3/2006.

Absent - Benson.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to offer Ethel Pavlin, Step 4 of the salary scale for the position of Accountant II in the Department of Finance.

Adopted 11/3/2006.

Absent - Benson.

W&M/Budget - Your Committee, having under consideration the provision of home visiting services for low income, pregnant and parenting teenagers, now recommends that the proper City Officers be authorized to amend the contract with Hennepin County, contract #22028 to accept an estimated revenue of \$300,000 for the Alliance Home Visiting Project and to extend the termination date through December 31, 2007.

Your Committee further recommends passage of the accompanying resolution appropriating \$300,000 to Health & Family Support.

Adopted 11/3/2006.

Absent - Benson.

Approved by Mayor Rybak 11/6/2006.

(Published 11/7/2006)

RESOLUTION 2006R-560

By Ostrow

Amending The 2006 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (0600-860-8623) by \$300,000 and increasing the Revenue Source (0600-860-8623 - Source 3220) by \$300,000.

Adopted 11/3/2006.

Absent - Benson.

Approved by Mayor Rybak 11/6/2006.

(Published 11/7/2006)

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with Pat Neska & Associates for up to \$200,000 for School Based Clinic (SBC) billing, data management, and consulting services for a three school year time period of November 13, 2006 through August 31, 2009, with the second and third years contingent upon funding, program needs, and performance. Services funded by SBC revenue from third party payers.

Adopted 11/3/2006.

Absent - Benson.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to offer Lisa Dornick, Step 7 of the salary scale for the position of Nurse Practitioner for the School Based Clinic Program.

Adopted 11/3/2006.

Absent - Benson.

Approved by Mayor Rybak 11/6/2006.

(Published 11/7/2006; Republished 11/11/2006)

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving the terms of a 1 year labor agreement with the Minneapolis Public Works Engineers Association, effective January 1, 2006 through December 31, 2006.

Adopted 11/3/2006.

Absent - Benson.

Resolution 2006R-561, approving the terms of a 1 year labor agreement with the Minneapolis Public Works Engineers Association, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-561

By Ostrow

Approving the terms of a collective bargaining agreement with the Minneapolis Public Works Engineers Association and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Minneapolis Public Works Engineers Association (Petn No 271610), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the

Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 11/3/2006.

Absent - Benson.

W&M/Budget - Your Committee recommends that proper City officers be authorized to apply for \$4,000,000 in funds from the US Department of Housing and Urban Development (HUD) for a Lead Hazard Control Demonstration grant award to reduce lead hazards in properties before children become lead poisoned, within the City of Minneapolis and within Hennepin County.

Adopted 11/3/2006.

Absent - Benson.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of the Center for Communication and Development (BZZ-3230) to rezone the property at 4149 Lyndale Ave N from C1 to the C2 District to establish a radio station in an existing building and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 11/3/2006.

Absent - Benson.

Ordinance 2006-Or-131 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 4149 Lyndale Ave N to the C2 District, was adopted 11/3/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-131

By Schiff

1st & 2nd Readings: 11/3/2006

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lot 2, Block 2, Bohanon & Hanscome Addition to Minneapolis (4149 Lyndale Ave N - Plate 4) to the C2 District.

Adopted 11/3/2006.

Absent - Benson.

Z&P – Your Committee, having under consideration the Industrial Land Use Study & Employment Policy Plan, which, by examining industrial market trends, determining the most appropriate and feasible areas for industrial use, and proposing a policy and land use framework that will support industrial jobs, provides policy direction for industrial land use and industrial employment in Minneapolis, now concurs in the recommendation of the Planning Commission to approve the plan, amending the City's comprehensive plan to incorporate policy direction and land use maps, and adopting staff policy option recommendations for the specific policy recommendations as follows: Primary Land Use, General Land Use and Economic Development, amended to approve Primary Land

Use Option #2.5: Define the boundaries of the Industrial Employment Districts (as set forth in the maps on file in the Office of the City Clerk). Revise *The Minneapolis Plan* to clarify that the Industrial Employment Districts are prioritized for industrial uses and that residential uses are strongly discouraged.

Your Committee further recommends that Community Planning & Economic Development staff be directed to: a) Ensure that the Industrial Employment District maps are consistent with the policies in the Above the Falls Master Plan, as detailed in the map entitled "Employment District 4 - Upper River Revised, October 12, 2006"; and b) Report back regarding liquor licenses, liquor establishments, nightclubs and large restaurants, including options of capping the size of large-scale nightclubs and restaurants either in the base industrial zoning districts or in the Industrial Employment Districts.

Schiff moved to amend the report by adding the following specific policy direction:

"Limit the size of food & beverages uses (nightclubs, restaurants, etc.) within designated employment districts or within industrial districts generally while preserving the ability for smaller scale Food & Beverages uses to primarily serve the employees in these districts." Seconded.

Adopted upon a voice vote.

Absent - Benson.

Hofstede moved to amend the report by adding the following staff direction:

"c) Acknowledge the importance of bikeways to the connection of neighborhoods and greenways, while recognizing industrial land uses." Seconded.

Adopted upon a voice vote.

Absent - Benson.

The report, as amended, was adopted 11/3/2006.

Absent - Benson.

MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of December, 2006, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 11/3/2006.

Absent - Benson.

Colvin Roy moved to set a public hearing for November 21, 2006 in the Transportation & Public Works Committee to consider Minnesota Statute 115A.94, subd. 4, and the opinion of the Hennepin County District Court in *Minneapolis Refuse Inc. v. City of Minneapolis* to accept comments on the matter of City staff being directed to begin a 180-day process to evaluate options and discuss with the current contractor and other interested parties options for a future contract for the collection of garbage, recycling, problem materials (metals), and yard wastes for one-half of the City's dwelling units (MRI-side of City). Seconded.

Adopted upon a voice vote 11/3/2006.

Absent - Benson.

Schiff moved to amend the Council action of October 20, 2006, relating to the petition of Bertha Ruiz to rezone the properties at 2841 and 2845 16th Ave S, which added the Transitional Parking Overlay (TPO) District to the existing R2B and I1 Districts to permit a minor auto repair shop, by correcting the report and ordinance to remove the TPO District from 2845 16th Ave S, thereby only adding the TPO District to the existing R2B District for the property at 2841 16th Ave S.

Schiff further moved passage of the accompanying ordinances:

A. Rescinding Ordinance 2006-Or-121 entitled "Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*", passed October 20, 2006, to correct the clerical error.

B. Amending the Zoning Code to rezone the property at 2841 16th Ave S by adding the Transitional Parking Overlay (TPO) District to the existing R2B District.

Adopted 11/3/2006.

Absent - Benson.

Ordinance 2006-Or-132, rescinding Ordinance 2006-Or-121 passed October 20, 2006, entitled "Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*", which rezoned the properties at 2841 and 2845 16th Ave S by adding the Transitional Parking Overlay (TPO) District to the existing R2B and I1 Districts, was adopted 11/3/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-132

By Schiff

1st & 2nd Readings: 11/3/2006

Rescinding Ordinance 2006-Or-121 entitled "Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally", passed October 20, 2006.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the above-entitled ordinance be and is hereby rescinded.

Adopted 11/3/2006.

Absent - Benson.

Ordinance 2006-Or-133 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2841 16th Ave S by adding the Transitional Parking Overlay (TPO) District to the existing R2B District, was adopted 11/3/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2006-Or-133

By Schiff

1st & 2nd Readings: 11/3/2006

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by correcting the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Block 001, Lot 7, Allan & Andersons Addition to Minneapolis (2841 16th Ave S - Plate 26) by adding the Transitional Parking Overlay (TPO) District to the existing R2B District.

Adopted 11/3/2006.

Absent - Benson.

Colvin Roy introduced the subject matter of the following ordinances, which were given their first reading and referred to the Public Safety and Regulatory Services and Transportation and Public Works Committees for a public hearing to be held on November 21, 2006 (adjusting courtesy bench license fees and expiration date):

- a) Amending Title 13, Chapter 283 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Courtesy Benches*; and
- b) Amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees Schedules*.

Lilligren moved to appoint Council President Johnson and Council Member Colvin Roy to represent the City Council on the Committee on the Future of Libraries in Hennepin County to study issues and recommend by February 1, 2007 potential solutions including legislative proposals that might include various levels of joint efforts and cooperation, up to and including a potential merger of the Hennepin County and Minneapolis library systems. Seconded.

Adopted 11/3/2006.

Absent - Benson.

RESOLUTION

Resolution 2006R-562, committing Minneapolis as a "Close the Gap" employer, was adopted 11/3/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2006R-562

**By Johnson, Ostrow, Gordon, Hofstede, Samuels, Lilligren, Goodman, Glidden,
Schiff, Remington, Benson, Colvin Roy and Hodges**

Committing Minneapolis as a "Close the Gap" employer.

Whereas, the Greater Twin Cities United Way and The Itasca Project have created the "Close the Gap" project to address socioeconomic disparities in our region among race and ethnic groups, between low and high income groups, and between those living in the core cities and the suburbs; and

Whereas, the "Close the Gap" project suggests that without intervention, disparities will continue to grow, threatening the region's economy; and

Whereas, the "Close the Gap" strategic direction helps to realize the City of Minneapolis goal of "One Minneapolis" by promoting practical suggestions that we can take with our workforce to make a positive impact on disparities issues; and

Whereas, the "Close the Gap" report identifies a total of 54 possible action items that, if addressed by employers committed to the project, could help reduce disparities in our region; and

Whereas, the City of Minneapolis currently addresses 23 of the recommended actions defined in the report and has a wonderful opportunity to partner with the Greater Twin Cities United Way and The Itasca Project as an employer who is committed to helping reduce disparities in our region;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we will officially commit to the "Close the Gap" Project by submitting a "Statement of Commitment" to The Itasca Project and will further support the goals of the project by dedication of staff time and resources to carry out additional action items recommended by the project, which reads as follows: "As a Twin Cities employer, the City of Minneapolis is committed to helping address socioeconomic disparities in the region. Toward the end, in the next 18 months, we will work to implement at least an additional five of the 'Close the Gap' recommendations in the toolkit."

Be It Further Resolved that the Minneapolis City Council directs City departments to work with the Department of Human Resources to identify additional action items the City of Minneapolis can implement over the next 18 months.

Adopted 11/3/2006.

Absent - Benson.

UNFINISHED BUSINESS

Comm Dev - Your Committee forwards without recommendation the recommendation of the Department of Community Planning & Economic Development (CPED) to authorize the sale of the property at 1011 E 28th St to Delores Holmes for \$3,000, by passage of the accompanying resolution, subject to the following conditions:

- a) That land sale closing must occur on or before 30 days from date of City Council approval;
- b) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval; and
- c) That a conservation easement be placed on the parcel.

The sale conditions may be waived or amended with the approval of the Director of CPED.

By unanimous consent, the report was postponed 11/3/2006.

Absent - Benson.

W&M/Budget - Your Committee, having under consideration the Fraud/Ethics Reporting Line, now recommends the following:

- a) Receive and file the Fraud/Ethics Reporting Line Committee report;
- b) Direct, under the auspices of the City Coordinator's Office, the selection of a vendor for a fraud and ethics reporting line using a competitive procurement process;
- c) Direct the City Coordinator's staff to make a recommendation about funding the fraud and ethics reporting line;
- d) Direct appropriate staff, as coordinated by the City Coordinator's office, to implement the reporting line enterprise wide; and
- e) Direct the City's Ethics Officer to provide semi-annual reports on the utilization of the fraud and ethics line to the Ways and Means/Budget Committee.

Your Committee further recommends that staff be directed to work with the City Coordinator to bring forward a recommendation for a permanent funding source for this reporting line as part of the 2007 budget deliberations and to report back to the Ways & Means/Budget Committee in the 1st Quarter of 2007 to address issues involving implementation of said reporting line.

By unanimous consent, the report was postponed 11/3/2006.

Absent - Benson.

HE&E & W&M/Budget – Your Committee, having under consideration recommendations from the Public Health Advisory Committee on funding priorities for Community Development Block Grant (CDBG) Public Service Funds, now recommends:

HE&E - Concurrence with the recommendation of the Public Health Advisory Committee for funding priorities for a competitive Request for Proposal (RFP) for CDBG public service funds for the period of June 2007 through May 2009.

Funding Priorities are:

- a. Assure Maintenance of Health Safety Net for Underserved/Vulnerable Populations.
- b. Improve Early Childhood Well-Being.
- c. Violence Prevention and Safety.

Funding Principles are:

- d. Prevention.
- e. Eliminating Health Disparities.
- f. Resident-Community Engagement.

W&M/Budget - that the recommendation of the Public Health Advisory Committee be sent forward without recommendation.

Schiff moved to substitute the following report for the above report. Seconded.

HE&E & W&M/Budget – Your Committee, having under consideration recommendations from the Public Health Advisory Committee on funding priorities for Community Development Block Grant (CDBG) Public Service Funds, now recommends:

Funding Priorities: Successful proposals must address one of the following community need areas:

a. Assure Maintenance of Health Safety Net for Underserved/Vulnerable Populations.

Focus: Providing access to health care services for uninsured persons and isolated seniors.

b. Improve Early Childhood and Teen Well-Being.

Focus: Expand capacity and/or improve quality of child care services (this would not include direct subsidies for child care slots).

Focus: Reduce teen pregnancies, particularly among populations where teen pregnancies are not decreasing, such as foreign born teens and teen mothers.

c. Violence Prevention Safety.

Focus: Youth Violence Prevention.

Remington moved to amend the Schiff motion by changing item "b" to read as follows:

"b. Improve Early Childhood. Focus: Expand capacity and/or improve quality of child care services (this would not include direct subsidies for child care slots)." Seconded.

Goodman called the question. Seconded.

Adopted upon a voice vote.

Absent - Benson.

Remington's motion lost. Yeas, 4; Nays, 8 as follows:

Yeas - Lilligren, Glidden, Remington, Hodges.

Nays - Schiff, Colvin Roy, Goodman, Samuels, Gordon, Hofstede, Ostrow, Johnson.

Absent - Benson.

Glidden moved to amend the Schiff motion by changing item "b" to read as follows:

"b. Improve Teen Well-Being. Focus: Reduce teen pregnancies, particularly among populations where teen pregnancies are not decreasing, such as foreign born teens and teen mothers." Seconded.

Goodman called the question. Seconded.

Adopted upon a voice vote.

Absent - Benson.

Glidden's motion lost. Yeas, 5; Nays, 6 as follows:

Yeas - Lilligren, Colvin Roy, Glidden, Remington, Goodman.

Nays - Schiff, Hodges, Samuels, Gordon, Ostrow, Johnson.

Absent - Benson, Hofstede.

On Schiff's motion to substitute, it was adopted by unanimous consent.

Absent - Benson.

Goodman called the question. Seconded.

Adopted upon a voice vote.

Absent - Benson.

The substitute report was adopted. Yeas, 11; Nays, 1 as follows:

Yeas - Schiff, Lilligren, Colvin Roy, Glidden, Remington, Goodman, Samuels, Gordon, Hofstede, Ostrow, Johnson.

Nays - Hodges.

Absent - Benson.

Lilligren moved to adjourn to Room 317, City Hall on November 13, 2006 at 9:30 a.m., for the purpose of canvassing the local results of the General Election held on November 7, 2006, and to conduct any other business deemed necessary at that time, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of November 3, 2006. Seconded.

Adopted upon a voice vote 11/3/2006.

Absent - Benson.

Merry Keefe,
City Clerk.

Unofficial Posting: 11/6/2006

Official Posting: 11/9/2006

Correction: 11/30/2006; 1/2/2007; 5/1/2007